IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 10 OF 2005

The Greater Bombay Co-operative Bank Limited ...Petitioner

Versus

Shilpa Prakashchand Balar & Ors. ...Respondents

.....

Mr. V.R. Walawalkar with Sameer R. Bhalekar counsel for Petitioner

Ms. Bhavna Shah, counsel for Respondents.

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CORAM: B. H. MARLAPALLE, J.

DATED: 16TH FEBRUARY, 2005

P. C.:-

1. Heard the learned counsel for the respective parties.

2. This contempt petition seems to arise from some misunderstanding in communication and also partly because of the stand taken by the Bank of Baroda (Dombivli East Branch), Dombivli.

3. The learned counsel for the respondents has given a solemn undertaking that the respondents are ready and willing to remove all the jewelleries presently stored in locker No. 267 with Bank of Baroda (Dombivli East Branch) as listed on page 26 of the

contempt petition and store the same in the locker to be proved by the petitioner Bank. She also undertakes that the respondents shall pay the rental charges for the locker to be provided by the present petitioner Bank, as prescribed from time to time.

4. The Branch Manager of Bank of Baroda (Dombivli East Branch) by his communication dated 14.2.2005 has taken a stand that in absence of an order from this Court the jewellery/gold ornaments kept in locker No. 267 cannot be released.

5. There is no dispute that the said locker No.267 is under attachment by the present petitioner Bank and therefore, it cannot be opened in the absence of its authorised officer. The learned counsel for the petitioner Bank states that Mr. Surendra Shetye, the Special Recovery Officer shall remain present before the Branch Manager of Bank of Baroda, (Dombivli East Branch) on 18.02.2005 at 11.00 a.m. and the respondent Nos. 2 and 3 shall also remain present on the said date and time before the Branch Manager, Bank of Baroda (Dombivli East Branch). The Special Recovery Officer shall release the attachment and thereupon the Branch Manager of Bank of Baroda (Dombivli East Branch) will allow the father of respondent Nos. 2 and 3 to open the locker and remove the jewellery and thereafter the respondent

Nos. 2 and 3 alongwith their father will accompany the Special Recovery Officer to reach the petitioner Bank wherein the locker will be provided and the subject jewellery shall be kept. The locker will undoubtedly remain attached by the petitioner Bank. One key of the locker would be with the respondent Nos. 2 and 3 and they shall pay the monthly rent of the locker.

6. The contempt petition is disposed of in terms of the above order.